

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**MICHAEL WILLIAMS,**

Plaintiff,

v.

**CITY OF PHILADELPHIA, et al.,**

Defendants.

**CIVAL ACTION**

**NO. 22-4482-KSM**

**MEMORANDUM**

**AND NOW** this 29th day of February, 2024, upon consideration of Plaintiff's Motion for Default Judgment (Doc. No. 11), Defendant City of Philadelphia's opposition brief (Doc. No. 14), the City's Motion to Dismiss (Doc. No. 13), and Plaintiff's opposition brief (Doc. No. 17), it is **ORDERED** that:

1. Plaintiff's Motion for Default Judgment (Doc. No. 11) is **DENIED**.
2. Defendant's Motion to Dismiss (Doc. No. 13) is **GRANTED IN PART AND DENIED IN PART** as follows:

a. Plaintiff's claims against Defendant Office of Fleet Management are **DISMISSED WITH PREJUDICE**.

b. Plaintiff's claims against the City are **DISMISSED WITH PREJUDICE** to the extent they are based on allegations that: (1) his white coworkers repeatedly called him names, including the N-word, and (2) he was wrongly punished and transferred to a less desirable position after reporting their conduct.

c. Plaintiff's claim that the City terminated his employment in retaliation for filing a complaint with the EEOC is **DISMISSED WITHOUT PREJUDICE**.

d. The motion is **DENIED** as to Plaintiff's claim that the City retaliated against him after he reported discrimination to his union representatives.

3. Plaintiff may file an amended complaint if he can, in good faith, cure the deficiencies identified in the Court's Memorandum. Any amended complaint shall be filed by **March 15, 2024**.

4. The City shall respond to the remaining portions of the Complaint or any amended complaint by **March 29, 2024**.

**IT IS SO ORDERED.**

*/s/Karen Spencer Marston*

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**KAREN SPENCER MARSTON, J.**